

**REMARKS/ARGUMENTS**

Claims 1-29 are pending in this Application. Claims 3, 4, 18 and 19 were previously amended to address language informalities only.

**Claim Rejections under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1, 6-11, 14-16 and 22-28 under 35 U.S.C. § 102(b) as being anticipated by Howard (U.S. 6,041,173).

The Applicant respectfully submits that Howard fails to satisfy the requirements for a finding of anticipation of the claims 1, 6-11, 14-16 and 22-28.

In this regard, the standard for an anticipation rejection under 35 U.S.C. § 102 has been well established by the Court of Appeals for the Federal Circuit, and is summarized in M.P.E.P. § 2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... Claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

**Independent claims 1, 16 and 27**

The Examiner has rejected the Applicant's independent claims 1, 16 and 27 on the basis of Howard, disclosing "a method of integrated natural resource management" recited in those claims. The Applicant's claims 1, 16 and 27 recite:

1. A computer-implemented method of integrated natural resource management comprising: a) storing and managing resource management information associated with defined geographic units in a database, including storing spatial and non-spatial information associated with the defined geographic units; b) preparing resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic

units; c) tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information; and d) updating the resource management information based on the tracking of actual results.

16. A computer-implemented system for integrated natural resource management comprising: a) means for storing and managing resource management information associated with defined geographic units in a database, comprising means for storing spatial information and non-spatial information associated with the defined geographic units; b) means for preparing resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units; c) means for tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information; and d) means for updating the resource management information based on the tracking of actual results.

27. A computer-implemented system for integrated natural resource management comprising: a) a resource management information system adapted to store and manage resource management information associated with defined geographic units in a database, including spatial information and non-spatial information associated with the defined geographic units; b) a resource activity planning system adapted to prepare resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units; c) an actual results tracking system adapted to track actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information; and d) a product inventory management system adapted to store harvested inventory movement results received from the actual results tracking system; wherein the resource management information system is adapted to update the resource management

information based on the tracking of actual results by the actual results tracking system.

Howard discloses a "description of multiple management actions", including "descriptions of accounting practices and forestry management practices" as computer data stored in a database (col. 4, lines 29-41). The forestry management practices described include a "list of actions that describe management tasks to be carried out" that operate on a "ForestManager object" (col. 14, lines 56-62). These actions, as described in Howard, are software calls made to the ForestManager object. Howard does not, however, address making multiple software calls to the ForestManager object in a particular sequence, nor how such a sequence would be constructed or executed. Therefore, Howard fails to disclose or suggest "preparing resource activity plans" in any detail, and in particular fails to disclose or suggest the preparation of such plans "based on the resource management information" as recited in the Applicant's claims 1(b), 16(b) and 27(b).

Howard further discloses that, through a SimulationControlObject, "Statistics from the simulation ... are obtained by sampling the simulation as it runs over the pre-determined simulated time period" (col. 6, lines 45-48). However, Howard does not teach nor suggest that such statistics are used to update any resource management information used in the simulation itself. Indeed, "sampling the simulation" suggests that parts of the state of the simulation are read without interfering with the simulation, which suggests that any resource management information used in the simulation is not updated based upon such sampling. Therefore, the Applicant submits that Howard does not teach nor suggest "tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information" as recited in the Applicant's claims 1(c), 16(c) and 27(c).

Similarly, as indicated by the Examiner, Howard discloses tracking "cash flow during a forestry simulation" using an Accountant object (col. 7, lines 40-43, col. 14, line 25). However, the Applicant notes that the Accountant object in Howard is separate from the ForestManager object, and is accessed using different calls (col. 6, lines 19-35). The ForestManager object is used to coordinate "forest management activities among the

management objects. Each management period ForestManager 68 loops through a list of management actions and instructs the other Forest Management objects 66 to carry out management actions if any are scheduled" (col. 15, Table 11). The Accountant object is used for financial tracking, and does not appear to update or communicate any resource management information, as this is addressed by the ForestManager object. Howard does not disclose updating any resource management information used by the ForestManager object based on the tracking of financial or other results. Therefore, the Applicant submits that Howard does not teach nor suggest "updating the resource management information based on the tracking of actual results" as recited in the Applicant's claims 1(d), 16(d) and 27(d).

In light of the above differences between the Applicant's independent claims 1, 16 and 27 and Howard, the Applicant respectfully submits that the threshold for an anticipation rejection under 35 U.S.C. § 102 has not been established. Specifically, Howard does not disclose "each and every element as set forth in the claim ..., either expressly or inherently described" and what is disclosed is not "in as complete detail as is contained in the ... claim. "Accordingly, the rejection of claims 1, 16 and 27 is overcome.

#### Dependent claims

The Examiner has rejected the Applicant's dependent claims 6-11, 14-15, 22-26 and 28 as being anticipated by Howard. The Applicant's claims 2-15, 17-26, and 28-29 are directly or indirectly dependent from the independent claims 1, 16 and 27, respectively. In view of the comments made above with respect to independent claims 1, 16 and 27, it is submitted that claims 6-11, 14-15, 22-26 and 28 are allowable due to their dependencies, direct or indirect, on applicable independent claims 1, 16 or 27, as well as due to the additional subject matter each such dependent claim recites.

#### **Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 2-5, 12-13, 17-21 and 29 under 35 U.S.C. § 103(a) as being unpatentable over "Howard and Remsoft Inc." due to obviousness. However, the Examiner's detailed rejections after the first sentence of paragraph 7 of the Office Action refer exclusively to the Howard reference, and not to Remsoft. The Applicant assumes that this

is a typographical error, as Remsoft was a reference cited in the previous Office Action of March 2, 2006. As Remsoft is not relied upon in the Examiner's detailed rejections in the present Office Action, and Howard is the sole reference relied upon, the Applicant's response will be directed toward such rejections being based upon Howard. If the Examiner is, in fact, referring to the Remsoft reference, the Applicant requests specific references to the portions of Remsoft relied upon by the Examiner, and in respect of which claims such portions are relied upon.

The test for obviousness is provided in 35 U.S.C. § 103(a):

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

#### Dependent claims

Applicant's claims 2-5, 12-13, 17-21 and 29 all depend, directly or indirectly, from independent claims 1, 16 or 27, which, as explained above, are not anticipated by Howard. Therefore, claims 2-5, 12-13, 17-21 and 29 are not obvious over Howard for the same reasons and due to the additional subject matter they recite.

#### Use of Official Notice

The Applicant respectfully notes that, in the Office Action mailed March 2, 2006, Examiner Linda Mary Krisciunas took official notice of asserted facts in support of 35 U.S.C. § 103 objections, including:

- (a) that it is old and well known to have a delivery schedule with a harvest schedule, including the delivery requirements (page 7, both top and bottom);

- (b) that it is old and well known to have a maintenances schedule as part of a harvest schedule to provide means for maintaining all equipment and processes being used (page 8); and
- (c) that it is old and well known to track construction, inspect and deactivate the infrastructure associated with each geographic unit (page 8).

The Applicant argued against such use of official notice on page 22 of its Reply to the Office Action of March 2, 2006. The Applicant's position was and is that "official notice unsupported by documentary evidence should not be taken by the Examiner where the acts asserted to be well-known, or to be common knowledge in the art, are not capable of instant and unquestionable demonstration as being well known."

In the present Office Action, the Examiner has taken official notice of similar asserted facts without the support of documentary evidence, though without explicitly using the phrase "official notice." These present instances of official notice include:

- (a) it was old and well known at the time of Applicant's invention to notify users when an activity is affected by a change to the data (page 6);
- (b) it was old and well known at the time of Applicant's invention to adhere to laws and regulations applicable to a defined geographic unit in a natural resource management system (pages 5,6, and 7);
- (c) it was old and well known at the time of the invention to use the demand for an item (i.e., customer orders) as a constraint for how much of the item to produce so as to maximize revenue and profit (page 7); and
- (d) it was old and well known at the time of Applicant's invention to have a delivery schedule with a harvest schedule, including the delivery requirements (page 8).

The Applicant respectfully disagrees with the Examiner's use of official notice in all of the present 35 U.S.C. § 103(a) rejections. The Applicant submits that such official notice of asserted facts must be accompanied by supporting documentary evidence where the facts asserted are not capable of instant and unquestionable demonstration as being well known.

In order to properly respond to the Examiner's use of official notice in the present Office Action, the Applicant respectfully requests that, for each claim rejected through the use of one or more asserted facts, the Examiner:

- (a) indicate the specific prior art supporting the facts asserted by the Examiner to be well-known or common knowledge in the art; and
- (b) provide reasons why such asserted facts are obvious, given the specific prior art indicated.

The Applicant traverses the Examiner's rejections below and submits that the rejections should be withdrawn. The following arguments are made in addition to those already stated.

Dependent claims 2, 5, 12-13, 17 and 20-21

The Applicant's claims 2, 5 and 17 have the common element of "notifying a user" when a "resource activity plan" is affected by updates or changes in conditions of the "resource management information." The Applicant's claims 12-13 and 20-21 have the common element of "notifying a user" when a "resource activity plan" is no longer in compliance with certain "constraints".

The Applicant agrees with the Examiner's assertion that, "Howard does not expressly teach the activity plans notify a user when a resource activity plan is affected by updates to the resource management information; or notifying a user when changes in conditions of the resource management information have an impact on resource activity plans."

However, the Applicant respectfully disagrees that it would have been obvious to a person of ordinary skill in the art at the time of the invention "to modify Howard to notify a user when an activity plan is affected by an update to the resource information." The Examiner asserts that "notifying a user makes them aware of a change to a plan." Howard does not teach nor suggest a method or system that provides for a "change to a plan" during a simulation. Howard is directed to simulating the effects of a pre-determined forestry plan on a simulated forest (e.g., "The ForestManager object uses a list of actions that describe management tasks to be carried out on stands via the other management objects. The actions specify a year, stand, and

action to be carried out (e.g., plant, clear cut, selective cut, etc.)" (col. 14, lines 60-64; Fig. 2)). Howard does not teach nor suggest the modification of activity plans based upon changes to resource management information, and does not teach nor suggest checking activity plans for compliance with certain conditions. In this case, there is no suggestion nor motivation to modify Howard to provide notifications to users related to such activities, as such activities are not addressed by Howard.

Therefore, the Applicant respectfully submits that claims 2, 5, 12-13, 17 and 20-21 are not obvious, and that the rejection under 35 U.S.C. § 103(a) is overcome.

Dependent claims 3 and 18

The Applicant's claims 3 and 18 recite:

3. The method of claim 1, wherein the resource management information stored further comprises constraint information based on laws and regulations applicable to the defined geographic units and wherein said constraint information is relied upon in the preparation of resource activity plans.

18. The system of claim 16, wherein the resource management information stored further comprises regulatory constraint information applicable to the defined geographic units and wherein said regulatory constraint information is relied upon by the means for preparation of resource activity plans to verify compliance with such regulatory constraint information by such resource activity plans.

The Applicant agrees with the Examiner's assertion that, "Howard does not expressly teach the resource information stored comprises constraint information based on laws and regulations applicable to the defined geographic units and wherein the constraint information is relied upon in the preparation of resource activity plans."

However, the Applicant respectfully disagrees that it would have been obvious to a person of ordinary skill in the art at the time of the invention "to modify Howard to have the resource information comprise constraints based on laws and regulations applicable to defined geographic units." The Examiner asserts that "doing so ensures that the actions performed on the



geographic units adhere to the particular laws and regulations of those units." However, Howard is directed to simulating the effects of a pre-determined forest activity plan on a simulated forest, as discussed above. The creation of such a forest activity plan in Howard is not addressed in detail, and appears to be a task left to the user and outside the scope of the software disclosed therein. Ensuring that such a resource activity plan is in compliance with applicable laws and regulations therefore is outside the scope of Howard (i.e., part of the development of a resource activity plan by the user). There is no suggestion nor motivation to modify Howard to check such plans for such compliance.

Therefore, the Applicant respectfully submits that claims 3 and 18 are not obvious, and that the rejection under 35 U.S.C. § 103(a) is overcome.

Dependent claims 4 and 19

The Applicant's claims 4 and 19 recite:

4. The method of claim 1, wherein the resource management information stored further comprises constraint information based on customer orders for the natural resource or for products derived from the natural resource and wherein the said constraint information is relied upon in the preparation of resource activity plans.

19. The system of claim 16, wherein the resource management information stored further comprises constraint information based on customer orders for the natural resource or for products derived from the natural resource and wherein said constraint information is relied upon by the means for preparation of resource activity plans.

The Applicant agrees with the Examiner's assertion that, "Howard does not expressly teach the information comprises constraint information based on customer orders for the natural resource or for products derived from the natural resource and wherein the said constraint information is relied upon in the preparation of resource activity plans."

However, the Applicant respectfully disagrees that it was obvious to a person of ordinary skill in the art at the time of the invention "to modify Howard to have the [constraint]

information be constrained by customer orders for the natural resource or products derived from the natural resource." The Examiner asserts that "doing so provides the simulation system with additional data to use, thereby providing the system with comprehensive data with which to model its accounting data such as income, expenses and rate of return (col. 18, lines 35-36)."

As discussed above, Howard is directed to simulating the effects of a pre-determined forest activity plan on a simulated forest. While Howard may teach the simulation of the effects of a pre-determined forest activity plan on a simulated forest (Fig. 2), Howard does not teach nor suggest any methods or systems of preparing a resource activity plan, whether constrained by customer orders or not. Therefore, there is no suggestion nor motivation to modify Howard to provide constraint information based on customer orders that is relied upon in the preparation of resource activity plans.

Therefore, the Applicant respectfully submits that claims 4 and 19 are not obvious, and that the rejection under 35 U.S.C. § 103(a) is overcome.

Dependent claim 29

The Applicant's claim 29 recites:

29. The system of claim 28, further comprising a customer tracking system adapted to store and track customer information and requirements including delivery requirements, wherein product inventory movements can be monitored by the product inventory management system to verify that actual product inventory that is in the process of being harvested for delivery will be delivered to customers in accordance with delivery requirements of such customers.

The Applicant agrees with the Examiner's assertion that, "Howard does not explicitly teach the customer tracking system adapted to store and track customer information and requirements including delivery requirements wherein product inventory movements can be monitored by the product inventory management system to verify that actual product inventory that is in the process of being harvested for delivery will be delivered to customers in accordance with delivery requirements of such customers."

However, the Applicant respectfully disagrees that it would have been obvious to a person of ordinary skill in the art at the time of the invention "to add a delivery requirements feature for the inventory being harvested" to Howard, in order to "provide an efficient means for moving the product through the distribution/harvesting system." Even if delivery schedules, harvest schedules and delivery requirements were old and well known at the time of the Applicant's invention (which is not admitted), it does not necessarily follow that it was obvious to combine such features in any way with Howard. Howard, as discussed above at length, is directed towards simulating the effects of a forest activity plan on a simulated forest, together with some accounting information. Howard, therefore, does not address customers or deliveries, and particularly not the specific delivery requirements of individual customers. Therefore, there is no suggestion nor motivation to combine such distribution and delivery features with Howard.


Therefore, the Applicant respectfully submits that claim 29 is not obvious, and that the rejection under 35 U.S.C. § 103(a) is overcome.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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